

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUCAS HOLMES,

Plaintiff,

v.

NORTH KERN STATE PRISON
HEALTH CARE GRIEVANCE OFFICE,
et al.,

Defendants.

No. 1:20-cv-01466-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

(Doc. No. 12)

Clerk of Court to close the case.

Plaintiff Lucas Holmes is a state prisoner proceeding pro se in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 4, 2021, the assigned magistrate judge entered an order directing plaintiff to submit a complete application to proceed or pay the filing fee within thirty days. (Doc. No. 9.) After plaintiff did not respond within thirty days, on April 19, 2021, the assigned magistrate judge issued an order to show cause, requiring a response within fourteen days. (Doc. No. 10.)

On April 26, 2021, the order to show cause was returned as undeliverable by the United States Postal Service (“USPS”). Plaintiff failed to advise the court of his new address within sixty-three days as required by Local Rule 183(b). Accordingly, on July 7, 2021, the magistrate judge issued findings and recommendations that the case be dismissed for failure to prosecute.

(Doc. No. 12.) The magistrate judge advised plaintiff that he could file objections to the findings and representations within fourteen days. (*Id.* at 3.)

On July 7, 2021, the USPS returned the findings and recommendations as undeliverable. More than sixty-three days have passed, and plaintiff has failed to notify the court of his current address. The findings and recommendations were served on plaintiff and provided him fourteen (14) days to file objections thereto.¹ Plaintiff has not filed any objections, and the time do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on July 7, 2020 (Doc. No. 12) are adopted in full;
2. This action is dismissed without prejudice for plaintiff's failure to prosecute; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: October 5, 2021


UNITED STATES DISTRICT JUDGE

¹ The U.S. Postal Service returned the findings and recommendations as undeliverable on XXXX, 202X. Pursuant to Local Rule 182(f), if a *pro se* party fails to notify the court of a change of address, "service of documents at the prior address [of record] of the . . . party shall be fully effective." L.R. 182(f).